

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TERA A. MCMILLIAN,

Plaintiff,

V.

ALABAMA DEPARTMENT OF YOUTH

SERVICES and

MICHAEL J. HARDY,

Defendants.

$$\begin{pmatrix}) \\) \\) \\) \\) \\) \\) \\) \end{pmatrix}$$

CASE NO. 2:07-CV-01-WKW

**DEFENDANT MICHAEL J. HARDY'S RESPONSE TO DYS's MOTION IN
LIMINE (DOC. 109)**

COMES NOW DEFENDANT, Michael J. Hardy, and in accordance with the Court's Order of July 15, 2008 , files his Response to DYS's Motion in Limine (Doc. 109), to wit:

- 1. Defendant Hardy agrees with and supports the DYS position in section 1.**
- 2. Defendant Hardy agrees with and supports the DYS position in section 2.**
- 3. Defendant Hardy agrees with and supports the DYS position in section 3.**
- 4. Defendant Hardy agrees with and supports the DYS position in section 4.**
- 5. Defendant Hardy agrees with and supports the DYS position in section 5.**
- 6. Defendant Hardy agrees with and supports the DYS position in section 6. No expert has been identified by the Plaintiff and therefore any attempted offer or testimony about alleged medical, psychological or psychiatric conditions through lay witnesses should be prohibited. Federal Rules of Evidence 701 and 702.**
- 7. Defendant Hardy agrees with and supports the DYS position in section 7.**

8. Defendant Hardy agrees with and supports the DYS position in section 8.
9. Defendant Hardy agrees with and supports the DYS position in section 9.
10. Defendant Hardy agrees with and supports the DYS position in section 10.
11. Defendant Hardy agrees with and supports the DYS position in section 11.
12. Defendant Hardy agrees with and supports the DYS position in section 12.
13. Defendant Hardy agrees with and supports the DYS position in section 13.
14. Defendant Hardy agrees with and supports the DYS position in section 14.
15. Defendant Hardy agrees with and supports the DYS position in section 15.
16. Defendant Hardy agrees with and supports the DYS position in section 16.
17. Defendant Hardy agrees with and supports the DYS position in section 17.
18. Defendant Hardy agrees with and supports the DYS position in section 18.

Respectfully filed, this the 21st day of July, 2008.

s/ JAMES ELDON WILSON
James Eldon Wilson (WIL079)
Deputy Attorney General
Attorney For Michael Hardy

OF COUNSEL:
James Eldon Wilson, Esquire
4265 Lomac Street
Montgomery, AL 36106
(334) 409-2003; FAX (334) 409-2009
email:jameseldonwilson@mindspring.com

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2008, I electronically filed the foregoing Updated Defendant Michael Hardy's Response to DYS's Motion In Limine (Doc. 109) with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jimmy Jacobs, Esq.
Attorney for the Plaintiff
4137 Carmichael Rd, Ste 100
Montgomery, AL 36106

T. Dudley Perry, Jr.
Deputy Attorney General
Attorney for the Defendants
Alabama Department of Youth Services
P.O. Box 66
Mt. Meigs, AL 36057

s/JAMES ELDON WILSON
Of Counsel